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MICHAEL RODAK, JR., CLERK

IN THE
Supreme Court of the United States
OCTOBER TERM, 1977

No. 77-740

GULF OIL CORPORATION, ET AL.,
Petitioners,
v.

PAUL J. BOGOSIAN,
Respondent.

GULF OIL CORPORATION, ET AL.,
Petitioners,
v.

LOUIS J. PARISI,
Respondent.

**SUPPLEMENT TO PETITION FOR WRIT
OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT**

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Petitioners submit this supplemental brief to call to the Court's attention the fact that on December 28, 1977, a petition for writ of certiorari was filed in *Windham v. American Brands, Inc.*, No. 77-925, which contends that "on the face of the Circuit Court's opinion

[in *Windham*] . . . there is a conflict between its view of antitrust class action suits and that of the Third Circuit [in *Bogosian*]" (*Windham* Pet. at 16).

In the petition for writ of certiorari in the instant case, petitioners demonstrated the conflict between the Fourth Circuit's proper deference to the district court's discretion on class action issues in *Windham v. American Brands, Inc.*, 1977-2 Trade Cas (CCH) ¶ 61,670 (4th Cir., Oct. 11, 1977) (in banc), and the contrary approach adopted by the panel majority in the instant case (see Petition at 17, 23-24). As pointed out in the petition, the Third Circuit cited with approval the panel decision in *Windham*, and the Fourth Circuit's in banc opinion expressly disapproved of the approach adopted in the instant case, noting that it found "[t]he reasoning of Judge Aldisert's dissenting opinion more persuasive" (*Id.* at 72, 752, n.35a).

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Respectfully submitted

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